

*Application Serial No.: 09/966,324*

*Title: Hair Treatment Device*

*Filed: September 28, 2001*

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**REMARKS**

With entry of this amendment, Claims 1-13 are pending. Claims 1 and 9 have been amended. New Claims 12-13 are added. Support for the amendments to the claims can be found on page 4, lines 14-20. No new matter has been added by these amendments.

**35 U.S.C. §103(a)**

Claims 1-11 are rejected under 35 U.S.C. §103(A) as being unpatentable over Hildreth (U.S. Patent No. 4,327,754) in view of Hanson (U.S. Patent No. 4,993,441) and Maznik (U.S. Patent No. 5,263,501). Applicant traverses this rejection as possibly applied to the claims now in the application.

The present invention, as currently claimed, comprises a roller body which expands when heat is applied, thereby applying pressure to hair wrapped around the roller body. The applied art, singly and in combination, fails to teach this invention as defined in the claims.

Hildreth ('754) discloses a contoured comb or sectioning tool which is used to separate a section of hair to be rolled. The comb functions as a stand-off so that the roller does not contact the scalp. In order to utilize the sectioning comb as a stand-off for the rollers, it is necessary to have special rollers which are segmented and which bend to conform to the contour of the comb and lock to the comb. Hildreth does not suggest a malleable roller body that expands when heated so as to apply pressure to hair wrapped around the roller body.

Hanson ('441) discloses a disposable permanent wave rod which is comprised of an imperforate member formed of a readily wettable rigid polymeric material and end paper which is wrapped around the hair. The wave rod is thus not malleable, an element of the invention as claimed and is not disclosed as expanding when heated. Even if the

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two were combined by one of ordinary skill, at best they would suggest a rigid comb or sectioning tool using rigid segmented rollers, not the present invention as currently claimed.

Maznik ('501) discloses a porous hair roller on a handle containing a refillable fluid reservoir. While the porous hair roller may comprise an outer layer of foam, the roller is disclosed as not expandable.

Neither Hanson, Hildreth nor Maznik, either alone or in combination teach a hair treatment device that reduces or eliminates hair breakage at the scalp, provides an expandable malleable roller, prevents the roller from contacting the scalp or eliminates the roller compression mark at the scalp as taught by the present invention. The Examiner is requested to withdraw this rejection.

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Applicant respectfully submits that this is a complete response to the Office Action dated January 16, 2003 and that Claims 1-12 are patentable. Early and favorable consideration is earnestly solicited. If the Examiner believes there are other issues that can be resolved by telephone interview, or that there are any informalities remaining in the application which may be corrected by Examiner's Amendment, a telephone call to the undersigned attorney at (404) 815-6500 is respectfully solicited.

Respectfully submitted,



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